



Entered on Docket
February 09, 2010

Hon. Linda B. Riegler
United States Bankruptcy Judge

Samuel A. Schwartz, Esq.
Nevada Bar No. 10985
Sean E. McClenahan, Esq.
Nevada Bar No. 10141
The Schwartz Law Firm, Inc.
626 S. Third Street
Las Vegas, Nevada 89101
Telephone: (702) 385-5544
Facsimile: (702) 385-2741
Attorneys for the Debtors

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

<p>In re:</p> <p>Timothy K. Sellers,</p> <p>Debtors.</p>	<p>Case No. 09-32966-LBR</p> <p>Chapter 13</p> <p>Hearing Date: January 28, 2010</p> <p>Hearing Time: 2:30 P.M.</p>
--	---

**ORDER GRANTING MOTION TO VALUE
COLLATERAL "STRIP OFF" AND MODIFY RIGHTS OF LENDER**

Upon the motion (the "**Motion**") of Timothy K. Sellers, the Debtors in the above-captioned proceeding (the "**Debtors**"), for his home located 2030 Rancho Lake Drive, #208 Las Vegas, NV 89108 ("**Subject Property**"), requesting entry of an order to Value Collateral and Modify Rights of Wachovia Mortgage pursuant to 11 U.S.C. § 506(a) and § 1322 finding that the second lien is unsecured;¹ and due notice of the Motion and the hearing of the Motion having been given to all parties entitled thereto; and a hearing having been held before this Court on

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.

1 January 28, 2010 (the "**Hearing**"), to consider approval of the Motion, at which time all parties
2 in interest were afforded an opportunity to be heard; and the Court finding that the property has a
3 value of \$27,000.00; and because there are no objections to the Motion having been filed; it is
4
5 hereby:

6 **ORDERED** that the Motion is **GRANTED**; it is further

7 **ORDERED** that Wachovia Mortgage's secured second lien claims are "Stripped Off"
8
9 and shall be treated as "general unsecured claims" pursuant to 11 U.S.C. Section 506(a); and it is
10 further

11 **ORDERED** that Wachovia Mortgage's second lien claims be reclassified as general
12 unsecured claims to be paid pro rata with other general unsecured creditors through the Debtor's
13 Chapter 13 plan; and it is further

14 **ORDERED** that Wachovia Mortgage's secured rights and/or lien-holder rights in the
15 Subject Property are hereby terminated; and it is further


16 **ORDERED** that the Debtor must complete the Chapter 13 plan and receive a discharge
17 or the lien may be reinstated; and it is further

18 **ORDERED** that as provided by Fed. R. Bankr. P. 7062, this Order shall be effective and
19 enforceable immediately upon entry.

20 Submitted by:

21 The Schwartz Law Firm, Inc.

22 By /s/ Sean McClenahan
23 Sean McClenahan #10141
24 Attorneys for Plaintiffs

25
26
27
28 
29 Kathleen A. Leavitt
30 Chapter 13 Trustee
31
32

SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

APPROVED:

DISAPPROVED:

FAILED TO RESPOND:

*Wilde & Associates - Attorneys for
Saxon Mortgage Services*

xxx